

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ROUNDMUP, LLC d/b/a LASSO,

Plaintiff,

vs.

FACEBOOK, INC.,

Defendant.

Case No. 0 :19—cv-1604

**DECLARATION OF MICHAEL DUFFEY
IN SUPPORT OF DEFENDANT
FACEBOOK, INC.'S MOTION TO
DISMISS FOR LACK OF PERSONAL
JURISDICTION**

I, Michael Duffey, declare as follows:

1. I am over the age of eighteen and, if called as a witness, could and would testify competently, on my own personal knowledge, to the facts states herein.
2. I am an eDiscovery and Litigation Case Manager in the Legal Department of Facebook, Inc. ("Facebook"). I have personal knowledge of the facts stated in this declaration, based in part on a review of company business records. I am over the age of twenty-one and if called as a witness, could and would testify competently as to the facts below.
3. Facebook does not have any offices in Minnesota.
4. Facebook employs only two full time employees and two contract employees who work remotely from their places of residence in Minnesota. None of these individuals performs any work related to the Facebook Lasso App.

5. The Facebook Lasso App is a short-form video sharing program operating on Apple, Inc.'s ("Apple") iOS and Google LLC's ("Google") Android operating systems, which allows users to create and share their own videos.

6. The Facebook Lasso App is not downloadable from the Facebook website, accessible at www.facebook.com, but is generically accessible nationwide for download without charge via the third-party Apple App and Google Play stores.

7. Facebook Lasso App users, not Facebook, have unilateral control over where downloads of the app take place.

8. Software updates to the Facebook Lasso App are also only publicly available via the Apple App and Google Play stores.

9. Facebook neither individually nor through third-parties specifically targeted the Facebook Lasso App toward Minnesota.

10. The Facebook Lasso App was not designed specifically for operation in any particular state.

11. Facebook never sought to facilitate Facebook Lasso App downloads specifically in Minnesota.

12. While Facebook has promoted the Facebook Lasso App through advertisements on the Facebook and Instagram platforms targeted at United States users generally, none of these advertisements have been specifically directed towards or targeted to Minnesotans.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 30th day of August, 2019, at Menlo Park, California.



Michael Duffey